

#448
BILL NO. G-90-09-10

GENERAL ORDINANCE NO. G- 26-90

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a utility easement thereof.

WHEREAS, a petition to vacate a utility easement within
the City of Fort Wayne (as more specifically described
below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-
4-12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
utility easement within the City of Fort Wayne, more
specifically described as follows, to-wit:

The rear five (5) feet of Lots Numbered 84 through
87, both inclusive, and Lots Numbered 134 through
137, both inclusive, in Delta Heights Addition.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.

Janet M. Bradbury
COUNCILMEMBER

#448

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SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1990,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

Read the first time in full and on motion by Bradbury, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock PM, E.S.T.

DATED: 9-11-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>
<u>BRADBURY</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>EDMONDS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATED: 11-13-90.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 9-26-90 on the 13th day of November, 1990

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1990, at the hour of 11:30 o'clock PM, E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of November, 1990, at the hour of 11:30 o'clock PM, E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

RECEIPT

No 7342

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., August 24 1990

RECEIVED FROM Thomas P. Jechl \$ 100.00

THE SUM OF One Hundred and no/100's DOLLARS

ON ACCOUNT OF Vac. pldn - ability essentials

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

W. E. Jechl
AUTHORIZED SIGNATURE

Date Filed: _____

Vacation Petition

I/~~we~~ THOMAS P. JEHL

(Applicant's Name or Names)

PETITION TO VACATE

UTILITY EASEMENTS

(Street, Alley, Utility Easement, Plat,

Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner (~~s~~), ~~do~~ (does) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following utility easements with the City of Fort Wayne, Indiana, and hereby described as follows:

The rear five (5) feet of Lots Numbered 84 through 87, both inclusive,
and Lots Numbered 134 through 137, both inclusive, in Delta Heights
Addition

(Legal Description of property being vacated) If additional space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as follows:

(List reasons for requesting vacation.)

1. There are currently no utility installations located within said easements, except for overhead power line which I&M is willing to relocate.
 2. The easements were created by the plat of Delta Heights Addition and, due the appropriation of a large portion of Lots 134-137 for Coliseum Blvd., the easements are located in such a manner that petitioner is unable to construct improvements on the combined tract without first vacating the easements.
 3. There is no neighborhood opposition to the proposed vacation.
 4. Petitioner owns all of the real estate upon which the easements are located.
- (If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner(s) pray that the above described utility easements be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 23 DAY OF August 19 90

THOMAS P. JEHL

Adjacent Property Owner

Typed Name

1928 Inwood Drive

Fort Wayne, IN 46815

Address

Signature

Adjacent Property Owner

Typed Name

Address

Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

Owners of Adjacent Property:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Adjacent Property
Owners TYPED Name

Address

Signature

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE
PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC
HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

WILLIAM D. SWIFT

Typed Name

590 Lincoln Tower

Fort Wayne, IN 46802

Address / City / State / Zip Code

423-4422

Phone Number

RESOLUTION 78-296-5

WHEREAS, THOMAS P. JEHL has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following utility easement situated in Fort Wayne, Allen County, to-wit:

The rear five (5) feet of Lots Numbered 84 through 87, both inclusive, and Lots Numbered 134 through 137, both inclusive, in Delta Heights Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, vacation of said utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using a portion of or part thereof of said utility easement for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, MICHAEL J. MCALEXANDER ACTING, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held OCTOBER 10, 1990 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 10th DAY OF October 1990

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Michael McAlexander
Director of Public Safety

Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, THOMAS P. JEHL has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following utility easement situated in Fort Wayne, Allen County, to-wit:

The rear five (5) feet of Lots Numbered 84 through 87, both inclusive, and Lots Numbered 134 through 137, both inclusive, in Delta Heights Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on September 17, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said utility easement.

WHEREAS, vacation of said utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said utility esement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said utility easement in Allen County, Indiana.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held September 24, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 3rd DAY OF October 1990

FORT WAYNE CITY PLAN COMMISSION

Robert Huthner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

The rear 5 feet of Lots 84 - 87 and 134 - 137 in Delta Heights Addition.

Reason for Project

Future residential construction on residential lots adjacent to easement.

Discussion (Including relationship to other Council actions)

17 September 1990 - Public Hearing

William Swift, attorney for the petitioner appeared before the Commission. Mr. Swift stated that the petitioner owns all adjacent property to the easement. He stated that due to the appropriation of additional right-of-way for Coliseum Blvd., large portions of Lots 134 thru 137 were acquired. The acquisition left the easement located in a manner that any construction on those lots would be difficult if not impossible. He stated that they are asking to vacate the easement in order to accommodate construction on these lots.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

24 September 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioners providing utility easements or relocations as needed.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
ProponentsApplicant(s)
Thomas Jehl

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 3 October 1990

Projected Completion or Occupancy

Date 3 October 1990

Fact Sheet Prepared by

Date 3 October 1990

Patricia Biancaniello

Reviewed by

Date 10-12-90

H. Maglio

Reference or Case Number

#448
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Utility easements running north and south between
Lots 134 thru 137 and Lots 84 thru 87 in Delta Heights Addition.

D-90-09-10

EFFECT OF PASSAGE Property is presently dedicated utility easements.

Property will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated utility easements.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

BILL NO. G-90-09-10

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating a
utility easement thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)
XXXXXXXXXX

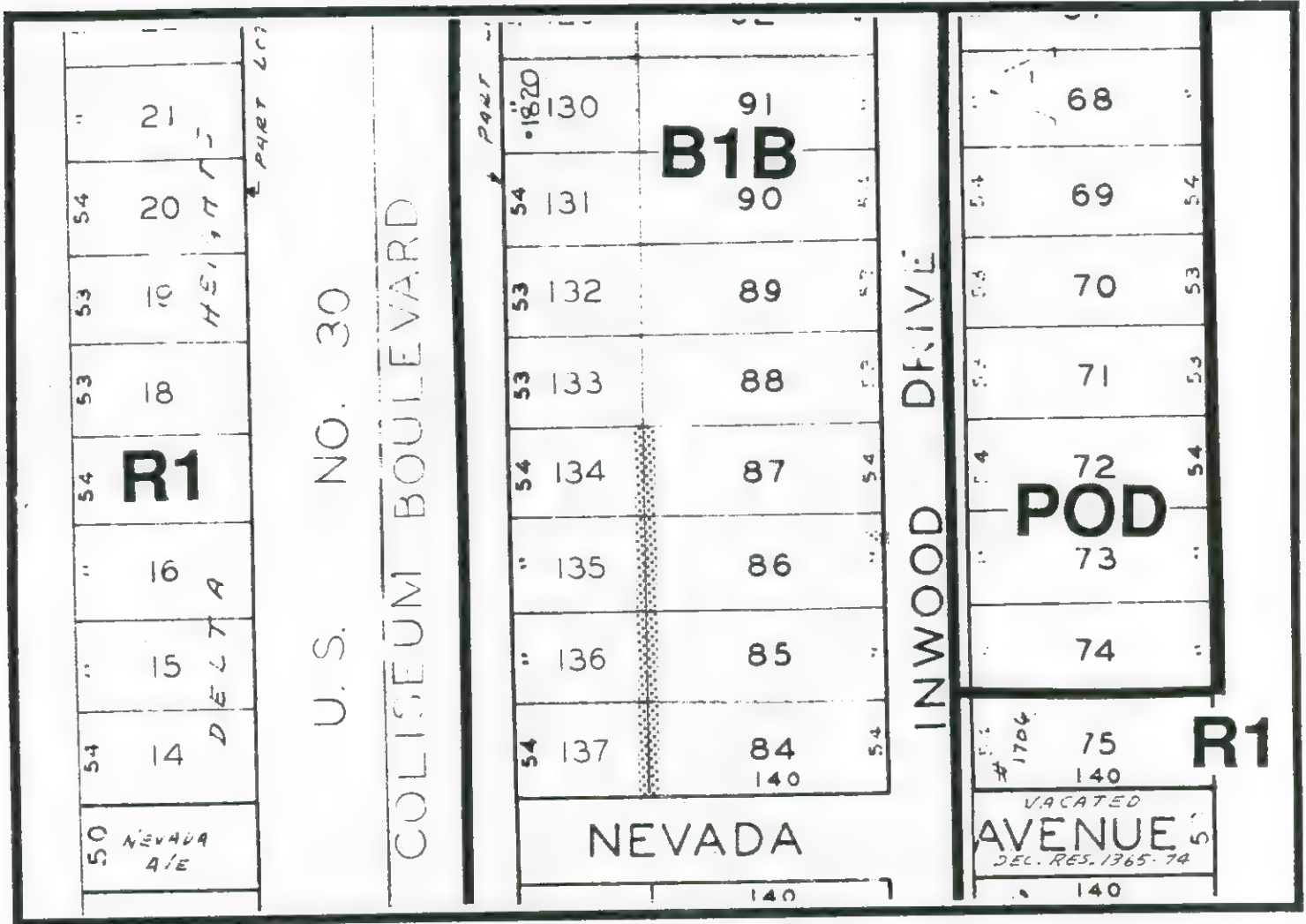
<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u><i>David Long</i></u>	_____	_____	_____
<u><i>Samuel Talarico</i></u>	_____	_____	_____
<u><i>Edmunds</i></u>	_____	_____	_____
<u><i>Schmidt</i></u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____

DATED: 11-13-90

Sandra E. Kennedy
City Clerk

VACATION PETITION #448

A PETITION TO VACATE THE DESCRIBED PORTION OF UTILITY EASEMENT
 MAP NO. S-14
 COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
 B1B LIMITED BUSINESS "B"

PROFESSIONAL OFFICE DISTRICT

LAND USE:

- ☐ SINGLE FAMILY
- ☐ COMMERCIAL

SCALE: 1"=100'

DATE: 8-29-90





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

October 19, 1990

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date
of October 23, 1990, in both the News Sentinel and
Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-90-09-10

Please send us 4 copies of the Publisher's Affidavit
from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

October 18, 1990

William Swift, Attorney
590 Lincoln Bank Tower
Fort Wayne, IN 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-90-09-10

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, November 13, 1990, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Bldg., One Main Street, Fort Wayne, Indiana, on the following:

the rear 5 feet of Lots 84 - 87 and 134 - 137
in Delta Heights Addition

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

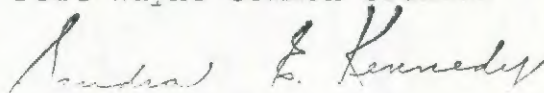
NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-09-10)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, November 13, 1990, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Bldg., One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The rear five (5) feet of Lots Numbered 84 through 87, both inclusive, and Lots Numbered 134 through 137, both inclusive, in Delta Heights Addition.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

A handwritten signature in cursive script, appearing to read "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk

Agent:

Wm Swift
590 Lincoln Bank Tower
Fort Wayne IN 46802

423-4422

Fort Wayne Common Council
(Governmental Unit)To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

18 lines, 1 columns wide equals 18 equivalent lines
at .33 cents per line

\$ 5.94

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 7.94

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: October 23, 19 90

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/ she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time(s), the dates of publication being as follows:

10/23/90

Subscribed and sworn to before me this 23rd day of October, 19 90.

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-09-10)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, November 13, 1990, at 7:00 P.M. (3P) in the Common Council Conference Room 128, Allen County Bldg., One Main Street, Fort Wayne, Indiana, more particularly described as follows: the rear five (5) feet of Lots Numbered 84 through 134, both inclusive, and Lots Numbered 134 through 135, both inclusive, in Delta Heights Addition. All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
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Total number of lines in notice _____

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Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 2.00

TOTAL AMOUNT OF CLAIM \$ 7.94

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Nicole Allred
Date: October 23, 19 90 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-09-10)
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, November 13, 1990, at 7:00 P.M. (5 P.M. in the Common Council Conference Room 128, City-County Bldg., One Main Street, Fort Wayne, Indiana, more particularly described as follows: The rear five (5) feet of Lots Numbered 84 through 134, both inclusive, and Lots Numbered 134 through 137, both inclusive, in Delta Heights Addition. All interested parties are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time (s), the dates of publication being as follows:
10/23/90

Nicole Allred
Subscribed and sworn to before me this 23rd day of October, 19 90.

Shelley R. Larue
Notary Public Whitley County, IN
SHELLEY R. LARUE
My commission expires: March 3, 1994